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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 992,655	11 13 2001	Mark A. Roesch	427600600049	9768

24325 7590 05 23 2002

Jones, Day, Reavis and Pogue
North Point
901 Lakeside Avenue
Cleveland, OH 44114

EXAMINER

ESTRADA, ANGEL R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,655

Applicant(s)

ROESCH ET AL.

Examiner

Angel R. Estrada

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 41 is/are allowed.
- 6) ☒ Claim(s) 1,5-16,19-21,25,27-35 and 37-40 is/are rejected.
- 7) ☐ Claim(s) 2-4,17,18,21-24,26 and 36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 and 4
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-11, 13 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 line 2-3, "the second leg of the L-shaped clip", lacks antecedent basis.

Claim 13 line 3, "said clips" (plural), lacks antecedent basis. Claim 5 just mentions a clip (singular).

Claim 28 line 4, "the front openings", lacks antecedent basis.

Claims 10 and 11 are included because of their dependency.

Any further rejections of claims 9-11, 13 and 28 in this office action are based on claims 9-11, 13 and 28, as they are understood by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

Claims 1, 5-8, 20, 21, 27, 28, 32-35, 37, 39 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnston (US 4,612,412)

Regarding claim 1, Johnston discloses a gangable electrical unit for positioning an electrical component beside an electrical outlet box (see figure 1) comprising: a bracket (16 left side) including a wall structure that defines a front opening (see figure 3); and means (52) for mounting the wall structure (22) of the bracket on a wall of an electrical outlet box (16, right side).

Regarding claim 5, Johnston discloses the gangable electrical unit (see figure 1) wherein the means (52) for mounting the wall structure of the bracket (16 left side) on an electrical outlet box (16 right side) includes a clip (52) extending outwardly from the wall structure of the bracket (see figure 5), said clip (52) being configured to engage a wall of an electrical outlet box (16 or see figure 1).

Regarding claim 6, Johnston discloses the gangable electrical unit (see figure 1), wherein the clip (52) is configured to wrap around and grasp a front edge of a wall of an electrical outlet box (16, see figure 1).

Regarding claim 7, Johnston discloses the gangable electrical unit (see figure 1), wherein said clip (52) is resilient.

Regarding claim 8, Johnston discloses the gangable electrical unit (see figure 1), wherein the clip (52) is two such clips, said clips being spaced apart relative to one another (see figure 5).

Regarding claim 20, Johnston discloses a gangable electrical unit for positioning an electrical component beside an electrical outlet box (see figure 1) comprising: a bracket (16 left side) including a wall structure that defines a front opening (see figure

5); and a clip (52) coupled to the wall structure and extending outwardly therefrom, said clip (52) being configured to grasp a wall of an electrical outlet box (16 right side or see figure 1).

Regarding claim 21, Johnston discloses a gangable electrical unit (see figure 1), wherein the clip (52) includes a self-centering portion for centering the bracket (16 left side) on an electrical outlet box (see figure 1).

Regarding claim 27, Johnston discloses the ganged electrical outlet box assembly (see figure 1) comprising: the gangable electrical unit (16 left side); an electrical outlet box (16 left right) having a wall for contacting the gangable electrical unit (16 left side), with the gangable electrical unit being attached to the electrical outlet box by the clip (52 or see figure 1).

Regarding claim 28, Johnston discloses the ganged electrical outlet box (see figure 1), wherein the electrical outlet box (16 right side) has a wall structure that defines an outer periphery, and, when adjoined with the gangable electrical unit (16 left side), the ganged electrical outlet box assembly (see figure 1) has a continuous, rectangular outer periphery at the front openings thereof (see figure 1).

Regarding claim 32, Johnston discloses an apparatus comprising: a bracket structure (16, left side) having a three-sided front edge (see figure 1), a routing portion configured to route a low voltage electrical line (see figure 1), and a clip portion (52) configured to engage a high voltage electrical box (16, right side) to support said bracket structure (16, left side) in a position in which the electrical box (16, right side) and said three-sided front edge together define a four-sided opening for access to a low voltage electrical line at said routing portion (see figure 1).

Regarding claim 33, Johnston discloses the apparatus, wherein said front edge, said routing portion, and said clip portion (32) of said bracket structure are portions of a one-piece plastic part (see figure 1 or column 4 line 18-25).

Regarding claim 34, Johnston discloses the apparatus, wherein said clip portion (32) of said bracket structure (16, left side) comprises a pair of clips (32) located at opposite ends of said three-sided front edge (see figure 1 or 5).

Regarding claim 35, Johnston discloses the apparatus, wherein said clip portion (32) of said bracket structure (16, left side) is configured to deflect elastically into a stressed condition upon movement into engagement with the electrical box (16 right side), whereby said clip portion (52) can exert a spring force that restrains movement of said bracket structure out of said position (see figure 1).

Regarding claim 37, Johnston discloses an apparatus, wherein said attachment side wall is configured to overlie an adjacent side wall of the electrical box (16, right side) when said bracket structure (16, left side) is in said position (see figure 1).

Regarding claim 39, Johnston discloses the apparatus further comprising a low voltage electrical line routed by said routing portion of said bracket structure (see figure 1), and a high voltage electrical box (16, right side) upon which said bracket structure (16 left side) is supported in said position by said clip portion (see figure 1).

Regarding claim 40, Johnston discloses the apparatus (see figure 1), wherein the routing portion defines a first size hole (see figure 1) and further includes a break-away portion defining a second size hole that is larger than the first size hole, wherein the break-away portion may be broken away to define the second size hole (see figure 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 12-16, 19, 25, 29, 30, 31, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston (US 4,612,412) in view of Hansen (US 4,140,293).

Regarding claim 12, Johnston discloses the claimed invention except for an adhering element coupled to the wall structure of the bracket, said adhering element being positioned to adhere the bracket to a wall of an electrical outlet box. Hansen discloses an electrical box outlet (A) having a bracket (C), said bracket including a wall structure that defines a front opening (see figure 1) and an adhering element (9) coupled to the wall structure, said adhering element being positioned to adhere the bracket (C) to a wall (2) of the electrical outlet box (A). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to provide to Johnston's bracket with an adhering element coupled to the wall structure as taught by Hansen to make a firm permanent connection between the bracket and the outlet box.

Regarding claims 13, the modified Johnston discloses the electrical gangable unit wherein the wall structure of the bracket (16 left side) including a top wall (40), a bottom wall (42), an attachment side wall (44), and the adhering element (9 as taught by Hansen) being attached to the attachment side wall (44), and an open back (after removing the knockouts) said clips (52) and adhering element (9 or Hansen) together adjoining the bracket (16 left side) to an electrical outlet box (16 right side); but the modified Johnston lacks the bracket having an open back.

Regarding claim 14, Johnston discloses the claimed invention except for the means for mounting the wall structure of the bracket to a wall of an electrical outlet box is an adhering element coupled to an outer surface of the wall structure of the bracket, said adhering element being positioned to engage a wall of an electrical outlet box. Hansen discloses an electrical box outlet (A) having a bracket (C), said bracket including a wall structure that defines a front opening (see figure 1) and means (9) for mounting the wall structure of the bracket to a wall of an electrical outlet box, said means (9) is an adhering element (column 2 line 3-4) coupled to an outer surface of the wall structure of the bracket (C), said adhering element being positioned to engage a wall (2) of an electrical outlet box (A). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Johnston's bracket with an adhering element means as taught by Hansen to provide means that would make a firm permanent connection between the bracket and the outlet box.

Regarding claim 15, the modified Johnston discloses the electrical gangable unit wherein the wall structure of the bracket (16 left side) including a top wall (40), a bottom wall (42), an attachment side wall (44), and an open back (after removing the knockouts) with the adhering element (9 as taught by Hansen) being attached to the attachment side wall (44).

Regarding claim 16, Johnston discloses the gangable electrical unit (see figure 1), wherein the wall structure of the bracket (16) includes three walls that partially surround the front opening (see figure 1).

Regarding claim 19, Hansen discloses the adhering element (9) is a putty (column 2 line 3-4).

Regarding claim 25, Johnston discloses a gangable electrical unit for positioning an electrical component beside an electrical outlet box (see figure 1) comprising: a bracket (16 left side) including a wall structure that defines a front opening (see figure 1); and means for means (52) for mounting the wall structure (22) of the bracket on a wall of an electrical outlet box (see figure 1); but Johnston lacks an adhering element attached to the wall structure of the bracket positioned for adhering the bracket to a wall of an electrical outlet box. Hansen discloses an electrical box outlet (A) having a bracket (C), said bracket including a wall structure that defines a front opening (see figure 1) and an adhering element (9) coupled to the wall structure, said adhering element being positioned to adhere the bracket (C) to a wall (2) of the electrical outlet box (A). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Johnston's bracket with an adhering element coupled

to the wall structure as taught by Hansen to make a firm permanent connection between the bracket and the outlet box

Regarding claim 29, Johnston discloses the claimed invention except for an adhering element coupled to the wall structure of the bracket, said adhering element being positioned to adhere the bracket to a wall of an electrical outlet box. Hansen discloses an electrical box outlet (A) having a bracket (C), said bracket including a wall structure that defines a front opening (see figure 1) and an adhering element (9) coupled to the wall structure, said adhering element being positioned to adhere the bracket (C) to a wall (2) of the electrical outlet box (A). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Johnston's bracket with an adhering element coupled to the wall structure as taught by Hansen to make a firm permanent connection between the bracket and the outlet box.

Regarding claim 30, the modified Johnston discloses the ganged electrical outlet box assembly comprising: the gangable electrical unit (16 left side); an electrical outlet box (16 right side) having a four-sided wall structure defining a front opening (see figure 1), said electrical outlet box wall structure having an outer periphery and an interior, said interior for receiving an electrical component (see figure 1) with the gangable electrical unit (16 left side) being attached to the electrical outlet box (16 right side) by the adhering element (as taught by Hansen).

Regarding claim 31, Hansen discloses the adhering element (9) is a putty (column 2 line 3-4).

Regarding claim 38, Johnston discloses the claimed invention but lacks an adhesive element positioned on said attachment side wall, whereby said attachment

side wall can be adhesively attached to the side wall of the electrical box. Hansen discloses an electrical box outlet (A) having a bracket (C), said bracket including a wall structure that defines a front opening (see figure 1) and an adhering element (9) coupled to the wall structure, said adhering element being positioned to adhere the bracket (C) to a wall (2) of the electrical outlet box (A). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Johnston's bracket with an adhering element coupled to the wall structure as taught by Hansen to make a firm permanent connection between the bracket and the outlet box

Allowable Subject Matter

4. Claims 9-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reasons for the indication of the allowability of claims 9-11 are:

Regarding claims 9-11 is the inclusion therein in combination as currently claimed of the limitation of said clip is L-shaped, with a first leg of the L-shaped clip being attached to the wall structure of the bracket and extending perpendicularly away from said wall structure, and a second leg of the L shaped clip, extending perpendicularly away from the first leg of the clip, said second leg configured to engage an inner surface of a wall of an electrical outlet box.

These limitations were found in claims 9-11, and are neither disclosed nor taught by the prior art of record, alone or in combination.

Art Unit: 2831

5. Claims 2, 3, 4, 17, 18, 22, 23, 24, 26 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reason for the indication of the allowability of claims 2, 3, 4, 17, 18, 22, 23, 24, 26 and 36 are:

Regarding claims 2 and 3, the inclusion therein in combination as currently claimed of the limitation of a stop extending outwardly from the wall structure of the bracket, said stop including a weakened portion positioned between the stop and the wall structure, wherein the stop is configured to be broken away from the wall structure of the bracket with the application of a force sufficient to break the weakened portion.

Regarding claim 4 is the inclusion therein in combination as currently claimed of the limitation of a the wall structure includes a top wall, a bottom wall, and an attachment side wall, with corners formed between the top and bottom walls and the attachment side wall, wherein the corners are radiused in order to provide a gap for accepting a fastener head when the wall bracket is coupled to an electrical outlet box.

Regarding claim 17 is the inclusion therein in combination as currently claimed of the limitation of one of the walls of the bracket being a partial side wall, said partial side wall having a front edge that is spaced from the front opening to define an opening in the partial side wall, wherein the adhering element is positioned on the partial side wall.

Regarding claim 18 is the inclusion therein in combination as currently claimed of the limitation of the wall structure of the bracket including a partial side wall, only a portion of which extends to the front opening, and further comprising a pair of clips that

extend outwardly from the front opening of the bracket from the partial side wall, said clips being configured to engage a wall structure of an electrical outlet box.

Regarding claim 22 is the inclusion therein in combination as currently claimed of the limitation of the self-centering portion being a protrusion that extends from the clip, said protrusion being configured to abut a wall of an electrical outlet box.

Regarding claim 23 is the inclusion therein in combination as currently claimed of the limitation of a stop extending outwardly from the wall structure of the bracket, said stop including a weakened portion positioned between the stop and the wall structure, wherein the stop is configured to be broken away from the wall structure with the application of a force sufficient to break the weakened portion.

Regarding claim 24 is the inclusion therein in combination as currently claimed of the limitation of the wall structure including a top wall, a bottom wall, and an attachment side wall, with corners formed between the top and bottom walls and the attachment side wall, wherein the corners are radiused in order to provide a gap for accepting a fastener head when the wall bracket is coupled to an electrical outlet box

Regarding claim 26 is the inclusion therein in combination as currently claimed of the limitation of a stop extending outwardly from the wall structure of the bracket, said stop including a weakened portion positioned between the stop and the wall structure, wherein the stop is configured to be broken away from the wall structure with the application of a force sufficient to break the weakened portion.

Regarding claim 36, is the inclusion therein in combination as currently claimed of the limitation of bracket structure having a top wall, a bottom wall, and a free side wall which together define three sides of said bracket structure that extend rearwardly from

said front edge, and further has an attachment side wall which defines a fourth side of said bracket structure with a front edge, part of which is spaced rearwardly from said three-sided front edge.

These limitations were found in claims 2, 3, 4, 17, 18, 22, 23, 24, 26 and 36, and are neither disclosed nor taught by the prior art of record, alone or in combination.

6. Claim 41 is allowed.

The following is an examiner's statement of reasons for allowance: The primary reason for the indication of the allowability of claim 41 is:

Regarding claim 41 is the inclusion therein in combination as currently claimed of the limitation of a stop coupled to the wall structure of the bracket along a weakened portion that is positioned between the stop and the wall structure, wherein the stop is configured to be broken away from the wall structure of the bracket with the application of a force sufficient to break the weakened portion.

This limitation is found in claim 41, and is neither disclosed nor taught by the prior art of record, alone or in combination.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hyde (US 6,376,770), Neff et al (US 4,214,668), Smolik (US 4,483,453), Graybill (US 1,206,431), Nattel (US 4,447,030), Palmer (US 3,040,926) Rodick (US 5,025,944), Stuchlik, III (US 4,747,506) and Figart et al (US 4,165,443) disclose an gangable electrical unit for positioning an electrical component comprising a

bracket and means for mounting the wall structure of the bracket on a wall of an electrical box. VanderVelde et al (US 6,384,336) and Caveney et al (US 5,998,732) disclose a bracket with means for attaching said bracket to an electrical raceway,

8. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (703) 305-0853. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for after final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AE

May 16, 2002

Dean A. Reichard 5/24/02

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